UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/695,684	10/24/2000	Janne Kari	460-007649-US	1424

2512   7590   03/23/2006

PERMAN & GREEN
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EXAMINER
COLBERT, ELLA

ART UNIT	PAPER NUMBER
3624	

DATE MAILED: 03/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>03 January 2006</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-23</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-23</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-23 are pending in this communication filed 01/03/06 entered as

Response After Non-Final Action.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed
> or described as set forth in section 102 of this title, if the differences between the
> subject matter sought to be patented and the prior art are such that the subject
> matter as a whole would have been obvious at the time the invention was made
> to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was
> made.

3.   Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US

5,956,716) Kenner et al, hereafter Kenner in view of (US 5,848,373) DeLorme et al,

hereafter DeLorme.

As per claim 1, Kenner teaches, Method for transmission of information to a

mobile user, said method comprising: sending an information query including at least

one criteria for information to be retrieved from a search terminal by using a browser

application program running in the search terminal (col. 1, lines 49-57, col. 2, lines 11-

22, and fig. 4 (82), receiving and processing the information query (col. 16, lines 14-48),

searching for information (col. 16, lines 17-32), transmitting the information to the

search terminal (col. 16, lines 24-30 and lines 42-47), receiving and displaying the

information to the user by the search terminal (col. 16, lines 34-38 and lines 39-42 and

fig. 3), and using one or several available servers for the information search, the

information search (col. 20, lines 25-38 and fig. 4 (68, 83, and 93). Kenner failed to

teach, sending at least one of the following information from the search terminal to at

least one of the one or several available servers for receiving and processing of the

information query: the current location, travel route of the mobile user; conducting the

information search at least partly on the basis of the information sent from the search

terminal, and routing the information query sent by the search terminal to at least one of

the one or several available servers suitable for the information search at least partly on

the basis of the information sent from the search terminal. DeLorme teaches, sending at

least one of the following information from the search terminal to at least one of the one

or several available servers for receiving and processing of the information query (col.

15, lines 5-20), the current location, travel route of the mobile user; conducting the

information search at least partly on the basis of the information sent from the search

terminal, and routing the information query sent by the search terminal to at least one of

the one or several available servers suitable for the information search at least partly on

the basis of the information sent from the search terminal (col. 15, lines 20-23 and col.

22, lines 50-60). DeLorme failed to teach a server. Kenner teaches a server in col. 20,

line 52 and fig. 4 (93). It would have been obvious to one having ordinary skill in the art

at the time the invention was made to sending at least one of the following information

from the search terminal to at least one of the one or several available servers for

receiving and processing of the information query: the current location, travel route of

the mobile user; conducting the information search at least partly on the basis of the

information sent from the search terminal, and routing the information query sent by the

search terminal to at least one of the one or several available servers suitable for the

information search at least partly on the basis of the information sent from the search

terminal and to modify in Kenner because such a modification would allow Kenner to

have spatially related information that can be queried from databases relevant to the

selected grid quadrangle.

As per claim 2, Kenner teaches, Method according to Claim 1, further comprising

displaying the received information to the user by said browser application program (col.

20, lines 25-34 and col. 21, lines 26-29).

As per claim 3, Kenner teaches, Method according to Claim 1, further

comprising, using at least two data transmission channels to transmit the information

query from the search terminal (col. 18, lines 30-39).

As per claim 4, Kenner teaches, Method according to Claim 1, further

comprising, including the information to be transmitted to the search terminal in a reply

message as a response to the information query, and using at least two data

transmission channels to transmit the reply message to the search terminal (col. 11,

lines 52-64).

As per claim 5, Kenner teaches, method according to Claim 4, further comprising

examining by the connection server the amount of information which will be needed to

transmit the reply message to the search terminal, wherein the method further

comprises selecting by the connection server the most appropriate data transmission

method of said at least two data transmission channels to transmit the reply message to

the search terminal (col. 5, lines 53-64, col. 6, lines 41-52, and fig. 4 (68)).

As per claim 6, Kenner teaches, Method according to Claim 1, further comprising transmitting at least part of the information between the search terminal and the means for receiving and processing of the information query by using short messages (col. 8, lines 52-65).

As per claim 7, Kenner teaches, Method according to Claim 6, further comprising displaying at least part of the received information to the user as short messages (col. 10, lines 58-64).

As per claim 8, Kenner teaches, Method according to Claim 1, further comprising forming a data call between the search terminal and the means for receiving and processing of the information query, and transmitting at least part of the information transferred by using said data call (col. 13, lines 26-34).

As per claim 9, Kenner teaches, Method according to Claim 1, further comprising storing user-specific information in at least one user profile data base and utilizing information in the user profile data base as an additional search criterion in the information search, if necessary (col. 25, lines 55-67 and col. 26, lines 1-7).

As per claim 10, Kenner teaches, Method according to Claim 9, further comprising storing user-specific information in the search terminal (col. 26, lines 34-49).

As per claim 11, Kenner teaches, Method according to Claim 1, further comprising storing service-specific information in at least one service data base, and retrieving information from service data bases (col. 4, lines 37-53).

As per claim 12, System for transmitting information to a mobile user, the system comprising: a search terminal comprising means for running a browser application

program for sending an information query including at least one criteria for information

to be retrieved (col. 4, lines 47-53), means for retrieving the information to the search

terminal, and means for transmitting the information to the search terminal (1) col. 4,

lines 7-13, fig. 4 (68)). This independent claim is rejected for the similar rationale as

given above for claim 1.

As per claim 13, this dependent claim is rejected for the similar rationale as

given above for claim 2.

As per claim 14, this dependent claim is rejected for the similar rationale as given

above for claim 3.

As per claim 15, this dependent claim is rejected for the similar rationale as given

above for claim 3.

As per claim 16, this dependent claim is rejected for the similar rationale as given

above for claim 6.

As per claim 17, this dependent claim is rejected for the similar rationale as given

above for claim 7.

As per claim 18, this dependent claim is rejected for the similar rationale as given

above for claim 8.

As per claim 19, this dependent claim is rejected for the similar rationale as given

above for claim 9.

As per claim 20, this dependent claim is rejected for the similar rationale as given

for claim 10.

As per claim 21, Kenner teaches, a System according to Claim 12, further comprising at least one service data base for storing information on suppliers of the service, and wherein the means for retrieving information are adapted to also use information contained in the service data base in addition to the search criterion in the information retrieval, if necessary (col. 5, lines 17-38). This claim is also rejected for the similar rationale as given above for claim 11.

As per claim 22, Kenner teaches, System according to the Claim 12, further comprising at least one connection server and at least one remote server (Fig. 4 (83 & 93) means for setting up a data transmission connection between the search terminal and the connection server (col. 4, lines 54-64 and co. 6, lines 41-52), and means for setting up a connection between the connection server and the remote servers (col. 5, lines 56-64).

As per claim 23, Kenner failed to teach, System according to the Claim 12, further comprising wireless communication means for transmitting information at least partly in a wireless manner. DeLorme teaches, the transmission of information is at least partly in a wireless manner (col. 12, lines 40-62, fig, 2 and fig. 4 (45)). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the transmission information at least partly in a wireless manner and to modify in Kenner because such a modification would allow Kenner to have a system with communication links that are wireless for the transmission and exchange of data for display or other use such as user location information as well as other spatially related data.

Response to Arguments

4.   Applicants' arguments filed 01/03/06 have been fully considered but they are not

persuasive.

Issue no. 1: Applicants' argue: Kenner has nothing to do with the location

or travel of a mobile user as recited in claims 1 and 12 has been considered but is not

persuasive. Response: Nothing in this particular claim limitation of "sending an

information query including at least one criteria for information ... by using a browser

application program running in the search terminal" recites "the location or travel route

of a mobile user". The "transmission of information to a mobile user" has not been

given patentable weight because the recitation occurs in the preamble. A preamble is

generally not accorded any patentable weight where it merely recites the purpose of a

process or the intended use of a structure, and where the body of the claim does not

depend on the preamble for completeness but, instead, the process steps or structural

limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA

1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). The

first ten claim limitations merely are receiving, processing, querying, searching,

transmitting, and displaying information. It is not until claim limitation eleven that the

travel route is of a mobile user. The last two claim limitations are back to merely

searching information and routing and information query to one or several servers which

are available. De Lorme teaches, "the current location and travel route of a mobile

user" in col. 15, lines 20-23 and col. 22, lines 50-60.

Issue no. 2: Applicants' Argue: The regional identifier has nothing to do with the

location or traveling rout of the user has been considered but is not persuasive.

Response: De Lorme teaches in col. 16, lines 34-42 teach the sending and displaying of

information to a user. The claim limitations have been given the broadest reasonable

interpretation in light of the specification, the breadth and scope of the claim(s).

Issue no. 3: Applicants' argue: There is nothing in Kenner which could imply that

the user is a mobile user, I.e., using a mobile terminal has been considered but is not

persuasive. Response: In response to applicant's arguments, the recitation "the user is

a mobile user" has not been given patentable weight because the recitation occurs in

the preamble. A preamble is generally not accorded any patentable weight where it

merely recites the purpose of a process or the intended use of a structure, and where

the body of the claim does not depend on the preamble for completeness but, instead,

the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535

F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88

USPQ 478, 481 (CCPA 1951).

Issue no. 4: Applicants' argue: De Lorme is silent on transmitting information of

the current location or the travel route of the user to a server for information retrieval

and using the transmitted information in routing the query message to a server suitable

for the information retrieval as recited in claims 1 and 12 has been considered but is not

persuasive. Response: The claim limitations do not recite "transmitting information of

the current location or the travel route of the user to a server for information retrieval

and using the transmitted information in routing the query message to a server suitable

for the information retrieval". The claim limitations recite "sending an information query

including at least one criteria for information to be retrieved from a search terminal by

using a browser application program running in the search terminal; receiving and

processing the information, searching for information, transmitting the information to the

search terminal, receiving and displaying the information to the user by the search

terminal, and using one or several available servers for the information search, the

information search; sending at least one of the following information from the search

terminal to at least one of the one or several available servers for receiving and

processing of the information query: the current location, travel route of the mobile user;

conducting the information search at least partly on the basis of the information sent

from the search terminal, and routing the information query sent by the search terminal

to at least one of the one or several available servers suitable for the information search

at least partly on the basis of the information sent from the search terminal".

Issue no. 5: Applicants' argue: None of the cited references teach that the

routing information query is performed by a server on the basis of the location or travel

route of the user has been considered but is not persuasive. Response: It is not

interpreted the claim limitations recite "routing of the information query is performed by a

server on the basis of the location or travel route of the user". Although the claims are

interpreted in light of the specification, limitations from the specification are not read into

the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Issue no. 6: Applicants' argue: How is it possible to teach routing if one does not

have a single server has been considered but is not persuasive. Response: Kenner

does have a server which can be incorporated into De Lorme.

Conclusion: In this rejection of claim 1 and others, for example under

Section 103 (a) of Title 35 of the United States Code, the Examiner carefully drew up a

correspondence between the Applicants' claimed limitations and one or more

referenced passages in the Kenner and De Lorme references, what is well known in the

art, and what is known to one having ordinary skill in the art (the skilled artisan). The

Examiner is entitled to give claim limitations their broadest reasonable interpretation in

light of the Specification (see below):

2111   Claim Interpretation; Broadest Reasonable Interpretation [R-1]

>CLAIMS MUST BE GIVEN THEIR BROADEST REASONABLE INTERPRETATION
        During patent examination, the pending claims must be "given the broadest
reasonable interpretation consistent with the specification." Applicant always has the
opportunity to amend the claims during prosecution and broad interpretation by the
examiner reduces the possibility that the claim, once issued, will be interpreted more
broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA 1969).<

Applicant is respectfully requested to point out to the examiner in the

independent claims the inventive concept of the invention and to distinctly and clearly

claim that inventive concept in the claim language.

Conclusion

5.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Inquiries

6.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Ella Colbert whose telephone number is 571-272-6741.

The examiner can normally be reached on Tuesday-Thursday, 6:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Vincent Millin can be reached on 571-272-6747. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

   For more information about the PAIR system, see http://pair-direct.uspto.gov.

Should you have questions on access to the Private PAIR system, contact the

Electronic Business Center (EBC) at 866-217-9197 (toll-free).

E. Colbert
Primary Examiner
March 13, 2006